

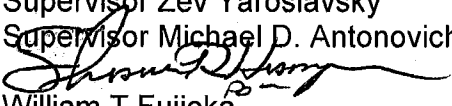


County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

January 21, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

REPORT REGARDING STATE LEGISLATIVE AGENDA PROPOSAL FROM THE DEPARTMENT OF REGIONAL PLANNING RELATED TO WATER SUPPLY ASSESSMENT REQUIREMENTS

On November 18, 2008, your Board affirmatively acted on the Chief Executive Officer's (CEO) request to refer the following proposed item for the Board of Supervisors' 2009-10 State Legislative Agenda back to the CEO with a request that the item be reviewed further and a report provided to the Board.

Item No. 13 of Section 3.2 (Land Use Planning): To support legislation that amends the State Subdivision Map Act to allow local jurisdictions the option to require not only larger tract maps but also smaller subdivision projects to provide a water supply availability assessment and/or proof of water source prior to tentative map approval to ensure adequacy of water supply.

Item No. 13 was initially recommended by the Department of Regional Planning (DRP) to address concerns related to existing law. Specifically, DRP perceived that SB 610 and SB 221, companion bills enacted in 2002, did not give local jurisdictions the authority to require water supply assessments (WSA) for projects smaller than 500 dwelling units. The CEO, with the concurrence of both DRP and the Department of Public Works (DPW), now recommends that Item No. 13 not be included in the State Legislative Agenda, as further research suggests that there are existing policies and procedures in place to address DRP's concerns.

Although SB 10 and SB 221 use a threshold of 500 dwelling units or more to require a WSA for projects, under certain circumstances, projects smaller than 500 dwelling units are also required to provide a WSA. Specifically, SB 610 and SB 221 also include a threshold for smaller water providers (5,000 connections or less) based on the number of proposed

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**

connections (more than 10 percent of existing connections). Therefore, while a smaller project may not exceed the 500 dwelling unit threshold in SB 610 and SB 221, those projects that propose a potentially significant increase in water connections for a small water provider would still require a WSA.

In addition, there are other existing State laws that require the analysis of water supply and availability. The California Environmental Quality Act (CEQA) mandates that local agencies evaluate factors to determine whether environmental impacts will result from a project. As part of this analysis, local agencies have the authority to require the applicant to provide the necessary information to determine whether a project may have a significant effect on the environment, including the same technical studies that would be included in a WSA prepared by the water provider, and a local agency may not approve a project without considering all of the environmental effects of a project. Therefore, while a smaller project may not exceed the thresholds dictated in SB 610 and SB 221, for projects in known areas of limited water supply, a technical analysis, similar to the required scope of a WSA may still be required through CEQA.

Furthermore, local policies address water supply and availability for proposed developments and infrastructure. The Los Angeles Countywide General Plan (General Plan) contains policies that relate to development in areas with essential services and facilities, which include water, and require new development to provide the necessary infrastructure. Findings for consistency with the General Plan are required before a discretionary permit can be approved, and could provide the basis for requiring additional information to address water supply and infrastructure.

While SB 610 and SB 221 maintain the 500 dwelling unit threshold for residential projects or 10 percent of existing connections for smaller water providers, previously proposed bills have questioned the effectiveness of this threshold in addressing water supply and availability. The County should encourage any future studies that reconsider the thresholds for WSAs, as well as explore how other State laws and policies, such as CEQA, work in conjunction with existing procedures to address water supply and availability. The CEO will also facilitate the continued consultation, collaboration, and coordination between DRP and DPW on water and other issues that impact and are of mutual interest to both departments

Should you have any questions, please contact me or your staff may contact Lari Sheehan at (213) 893-2477, or via e-mail at lsheehan@ceo.lacounty.gov.

WTF:LS
SMT:DH:os

c: Executive Officer, Board of Supervisors
County Counsel
Director of Public Works
Acting Director of Regional Planning